

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

DARLENE S. BEDSWORTH,
Plaintiff

v.

SOMERSET COUNTY ECONOMIC
DEVELOPMENT COMMISSION and
BOARD OF COUNTY
COMMISSIONERS for SOMERSET
COUNTY, MARYLAND,
Defendants

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CIVIL NO. AMD 02-145

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AT BALTIMORE
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND

DEPUTY

MEMORANDUM

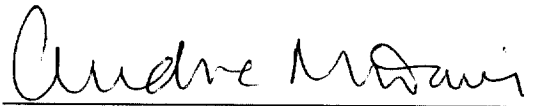
This multi-count action was instituted in the Circuit Court for Somerset County, Maryland, by a former employee of the Somerset County Economic Development Commission. There is no diversity of citizenship. The case became removable to federal court when plaintiff filed an amended complaint which included two counts purporting to assert claims under the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* Now pending is the defendants' Motion to Dismiss or, Alternatively, for Summary Judgment. Under the Local Rules of this court, plaintiff's response was due on or before February 11, 2002, but plaintiff has elected to file no opposition.

Manifestly, plaintiff has wisely declined to file an opposition to the motion. It seems clear that plaintiff has no desire to litigate her claims in federal court; she is seeking less than \$20,000, and she is represented by counsel with offices in Somerset County, more than 100 miles from the federal courthouse. No doubt, plaintiff is willing to permit a dismissal of her

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seemingly ill-fated federal claims so that she might continue her fight in state court, where, obviously, she prefers to litigate. That is properly the outcome here upon the dismissal of the federal claims. *See, e.g., Andrews v. Anne Arundel County*, 931 F.Supp. 1255 (D.Md. 1996)(declining to exercise supplemental jurisdiction over state claims and remanding case to state court upon the dismissal of the federal claims which supported removal, citing 28 U.S.C. §§ 1367(c) and 1441(c))(discussing Supreme Court and Fourth Circuit cases), *aff'd*, 114 F.3d 1175 (4th Cir.)(table), *cert. denied*, 522 U.S. 1015 (1997). Accordingly, defendant's alternative motion to dismiss or for summary judgment shall be granted in part, the federal claims shall be dismissed, and the remaining state law claims shall be remanded. An order follows.

Filed: February 14, 2002



ANDRE M. DAVIS
UNITED STATES DISTRICT JUDGE